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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANDREW ZAGLAS, on behalf of himself and all others
similarly situated,

Case No. 14-cv-06417-JMA-AYS

Plaintiff,

-against-

CHOP SHOP RESTAURANT, INC., and RALPH
BELFIORE, in his individual and professional capacities,

Defendants.
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NOTICE OF MOTION BY DEFENDANTS
TO DISMISS THE SECOND AMENDED COMPLAINT

PLEASE TAKE NOTICE that, upon the Affirmation of Mitchell C. Shapiro, Esq. in Support of Defendants' Motion to Dismiss the Second Amended Complaint, dated December 14, 2016, and the Exhibits annexed thereto, and the accompanying Memorandum of Law in Support of in Support of Defendants' Motion to Dismiss the Second Amended Complaint, dated December 14, 2016, and upon all papers and proceedings heretofore had herein, Defendants Chop Shop Restaurant, Inc. and Ralph Belfiore, by and through their undersigned counsel, Carter Ledyard & Milburn, LLP, will move before the Honorable Joan M. Azrack of the United States District Court for the Eastern District of New York, 100 Federal Plaza, Courtroom 920, Central Islip, New York 11722, on a date to be determined by the Court, for an Order pursuant to Fed.

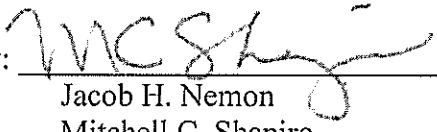
R. Civ. P. Rules 12(b)(1) and 12(b)(6), dismissing *with prejudice* the Second Amended Complaint, dated August 1, 2016 (Dkt. No. 32), together with granting Defendants all such other and further relief as this Honorable Court deems to be just and equitable.

PLEASE TAKE FURTHER NOTICE that in accordance with the Court's November 21, 2016 scheduling order and Rule IV(F)(2) of Judge Azrack's local rules, opposition papers, if any, must be served upon Defendants, with one additional copy for Defendants to file with the Court, on or before January 18, 2017.

Dated: December 14, 2016

Respectfully submitted by,

CARTER LEDYARD & MILBURN LLP

By: 
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